

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEJANDRO ALIX MANZO,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

2:10-cv-01668-GMN-PAL

ORDER

This is a habeas corpus case pursuant to 28 U.S.C. § 2254 in which Petitioner, a state prisoner, is proceeding *pro se*. Before the Court is Respondents' Motion to Dismiss. (ECF No. 7.) Petitioner has not opposed the motion, despite having received notice from the Court of the requirements of *Klingele v. Eikenberry* and *Rand v. Rowland* (ECF No. 8) and an extension of time in which to file an opposition (ECF No. 11).


The Motion to Dismiss contends that portions of ground two must be dismissed because the claims are procedurally barred. Pursuant to the provisions of Local Rule 7-2, Petitioner's failure to respond to the motion is a concession on his part that the arguments are valid. Therefore, the Motion to Dismiss shall be granted and the following portions of ground two shall be dismissed with

1 prejudice: (1) the State committed prosecutorial misconduct for attacking its own witness; (2) the
2 State committed misconduct for failing to collect the bullets; (3) the State committed misconduct for
3 failing to ascertain if the bullets were removed from the victim's body at the hospital; and (4) the
4 jury instructions concerning the possession of a deadly weapon were erroneous.

5 **IT IS THEREFORE ORDERED** that Respondents' Motion to Dismiss (ECF No. 7) is
6 **GRANTED.** Portions of ground two, as described above, are dismissed with prejudice.

7 **IT IS FURTHER ORDERED** that Respondents' answer to the remaining grounds in the
8 petition shall be filed and served within thirty days of service of this order. Petitioner's reply shall
9 be filed and served within thirty days of service of Respondents' answer.

10 DATED this 1st day of July, 2011.

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14 Gloria M. Navarro
15 United States District Judge
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